

### REMARKS

Claims 1-30 are pending, with claims 1, 14, 24, 27 and 29 being independent. Claims 27 and 28 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

#### Claim Rejections – 35 USC § 101

Claims 24-30 stand rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Without conceding the propriety of the rejection, the application has been amended to obviate the rejection.

Paragraph 0070 of the application has been amended to delete “as well as signals on a channel.” Thus, withdrawal of the rejection of claims 24-26 under 35 USC § 101 is respectfully requested.

Claims 27 and 28 have been amended to recite “machine-readable medium embodying a content decoder” in the preamble. Thus, withdrawal of the rejection of claims 27 and 28 under 35 USC § 101 is respectfully requested.

Claims 29 and 30 recite “software plug-in means for decrypting digital content”. In light of this language, the claim is clearly a “means for” claim under 35 USC § 112, 6<sup>th</sup> Paragraph. Thus, these claims, “shall be construed to cover corresponding structure, material, or acts described in the specification and equivalents thereof.” See 35 USC § 112, 6<sup>th</sup> Paragraph. The Specification clearly describes underlying hardware and machine-readable media support for the software. See Specification at paragraphs 0066-0070. In light of this, the amendment to

paragraph 0070 and the statutory requirement that the “means for” claim element be construed to cover corresponding structure in the specification, withdrawal of the rejection of claims 29 and 30 under 35 USC § 101 is respectfully requested.

### Claim Rejections – 35 USC § 102

Claims 1-30 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Kohno (U.S. Publication No. 2002/0057799). This rejection is respectfully traversed.

Kohno describes a data delivery system used to protect copyrighted data, such as a movie, where the data is delivered in encrypted form:

A decryption key used to decrypt the encrypted data is stored on a storage medium such as a memory card, and the storage medium is sent from the server apparatus to the playback apparatus in parallel with the delivery of the encrypted data. After completion of the playing of the movie by the playback apparatus in a movie theater, the storage medium is returned to the server apparatus. The server apparatus examines information stored on the storage medium to check whether the video source delivered in the form of data has been properly used in an authorized manner.

See Kohno at Abstract. As further described in the detailed description.

In each embodiment, in addition to distribution of movie content data among the movie production company 500, distribution companies 501, and movie theaters 502, a storage medium is distributed separately from the movie content data. On the storage medium, as will be described in detail later, information about a condition under which a movie is to be played, information used to manage distribution, and key data (also referred to simply as a key) used to decrypt encrypted content data are stored.

[...]

The playback apparatus 3 in each movie theater 502 receives the content data 6 and the associated additional information. The playback apparatus 3 reads the information stored on the delivery card 4. Using a key read from the delivery card 4, the playback apparatus 3 decrypts the encrypted content data and additional information, and plays back the content data in accordance with the additional information read from the delivery card 4.

See Kohno at Paragraphs 0247 and 0267.

In contrast, independent claim 1 recites, “transmitting a decoder core to be used with a predefined content decoder, the decoder core comprising instructions for causing the predefined content decoder to decrypt an encrypted version of digital content.” (Emphasis added.) The present application clearly describes the terms “content decoder” and “decoder core”:

A content decoder (e.g., a media player device such as a Tivo or a Replay device, media player software, or a component of these) can be logically divided into a replaceable decoder core and remaining portions. The decoder core implements a selected decryption scheme for decrypting encrypted content, and the remaining portions provide an interface between the decoder core and content presentation systems/devices. The decoder core may be changed as desired to implement a newly selected decryption scheme and/or to change the nature of the decoder core (e.g., a new software obfuscation, a new time-stamp).

See Specification at Paragraph 0018; emphasis added. As further detailed in the example encrypted digital content delivery and decoding system shown in Fig. 2:

The content decoder 200 includes an interface 220 that defines how a received decoder core 225 is to be integrated with the content decoder 200. [...] [T]he content decoder 200 receives a mutable software module. [...] The interface 220 is a predefined interface that provides the hooks (e.g., procedure calls) with which

the content decoder 200 runs the decoder core 225. In one implementation, the decoder core 225 is a software plug-in for the content decoder 200.

See Specification at Paragraphs 0031-0033; emphasis added.

The claimed subject matter can isolate the decryption scheme within the decoder core, and thus the content decoder may be made independent of the encryption/decryption scheme to be used. This enables modification of content protection techniques that are to be used with an already publicly distributed content decoder. See the present application at Paragraphs 0019-0020.

In contrast, Kohno describes sending a storage medium, such as a memory card, that stores key data (a decryption key used to decrypt encrypted content data) and additional information. This is not a decoder core comprising instructions for causing a predefined content decoder to decrypt an encrypted version of digital content. The key data does not constitute such instructions because the key data is simply an input key to an already defined decryption scheme. In other words, the key data is used as input to the instructions for decrypting already present on the playback apparatus.

Moreover, the “additional information” included on the storage medium does not constitute instructions for causing a predefined content decoder to decrypt an encrypted version of digital content, as claimed. Kohno clearly describes the additional information:

[T]he additional information associated with one movie content includes a content ID uniquely assigned to the movie content, a destination identifier ID1 serving as an identifier of a movie distribution company 501 (relay server 1) to which the movie content is to be transmitted, a destination identifier ID2 serving as an identifier of a movie theater 502 (playback apparatus 3) to which the movie

content is to be transmitted, and schedule information indicating a playing period during which the movie content is to be played back in the movie theater 502.

See Kohno at Paragraph 0280. This additional information provides added security to the system but does not constitute a decoder core comprising instructions, as claimed. The additional information of Kohno cannot be considered instructions for causing a predefined content decoder to decrypt an encrypted version of digital content. The additional information of Kohno does not cause decryption, but rather is used to check whether the corresponding content data has been correctly used in an authorized fashion. See Kohno at Paragraphs 0296-0302. Thus, independent claim 1 should be in condition for allowance.

Independent claim 14 recites, “receiving a decoder core comprising instructions for decrypting encrypted digital content; and using the decoder core with a previously acquired content decoder to access the encrypted digital content.” (Emphasis added.) For at least reasons similar to those discussed above, Kohno does not describe receiving a decoder core comprising instructions for decrypting encrypted digital content, and using the decoder core with a previously acquired content decoder to access the encrypted digital content. Thus, independent claim 14 should be in condition for allowance.

Independent claim 24 recites, “defining an interface between a presentation portion and a decryption portion of a digital content player; identifying a decoder core that uses the interface to effect the decryption portion of the digital content player; and using the decoder core with the digital content player to access encrypted digital content.” (Emphasis added.) For at least reasons similar to those discussed above, Kohno does not describe this subject matter. The Office has equated the claimed presentation portion of a digital content player with Kohno's

display controller 212 and display 213, and the Office has equated the claimed decryption portion of a digital content player with Kohno's decryption unit 203. See Office Action mailed 09/04/2007 at page 7. Assuming for the sake of argument that these elements of Kohno can be equated in this fashion with the claimed subject matter, which is not conceded, the remaining claim limitations are clearly not met.

Based on the Office's current interpretation of Kohno (with respect to the presently claimed subject matter), the "interface" between the presentation portion and the decryption portion of the digital content player would be elements 206, 208, 215, 214, 209 in Kohno since they are shown as lying between the decryption unit 203 and the display controller 212 and display 213. See Kohno at FIG. 6. However, based on this interpretation, neither the delivery card 4, nor the decryption key or additional information stored thereon (which have been equated by the Office with the presently claimed decoder core) use this "interface" to effect the decryption portion of the digital content player. Thus, independent claim 24 should be in condition for allowance.

Independent claim 27 recites, "a module defining an interface between the content decoder and a mutable decoder core comprising instructions for causing the content decoder to decrypt encrypted media." (Emphasis added.) For at least reasons similar to those discussed above, Kohno does not describe a mutable decoder core comprising instructions for causing the content decoder to decrypt encrypted media, as claimed. Nothing in Kohno suggests that the delivery card 4 includes instructions for causing a content decoder to decrypt encrypted media. Thus, independent claim 27 should be in condition for allowance.

Independent claim 29 recites, “means for transmitting in response to a request, software plug-in means for decrypting digital content; and means for receiving the software plug-in means and for presenting the digital content using the software plug-in means.” (Emphasis added.) For at least reasons similar to those discussed above, Kohno does not describe software plug-in means for decrypting digital content, as claimed. Nothing in Kohno suggests that the delivery card 4 includes a software plug-in for decrypting digital content. Thus, independent claim 29 should be in condition for allowance.

Dependent claims 2-13, 15-23, 25-26, 28 and 30 are patentable for at least the above reasons, and based on the additional recitations they contain. For example, claims 8 and 22 each recite, “wherein the decoder core further comprises obfuscated software.” (Emphasis added.) The underlined portion of the claim language here has not been addressed by the Office. Moreover, the cited portions of Kohno with respect to software are related to the “processes performed by the server 1, the relay server 2, and the playback apparatus 3[.]” See Kohno at Paragraph 1108. Nothing in the cited portions, or other portions of Kohno suggest that the delivery card 4 (which is the element the Office has equated with the claimed decoder core) includes software, let alone obfuscated software. Thus, claims 8 and 22 should be allowable for at least this additional reason.

Claims 9 and 23 each recite, “wherein the obfuscated software comprises software that has been obfuscated with respect to the digital content.” (Emphasis added.) The underlined portion of the claim language here has not been addressed by the Office, and nothing in Kohno

suggest such software obfuscation, as claimed. Thus, claims 9 and 22 should be allowable for at least this additional reason.

Claims 10 and 11 depend from claim 9 and should allowable for at least similar reasons. In addition, claim 10 recites, “wherein the content-specific obfuscated software corresponds to a content-specific encryption algorithm, the method further comprising: encrypting the requested digital content using the content-specific encryption algorithm; and delivering the encrypted digital content.” (Emphasis added.) The cited portions of Kohno (Paragraphs 0101, 0113 and 0153, and figure 2) say nothing about use of a content-specific encryption algorithm, as claimed. Thus, claim 10 should be allowable for at least this additional reason.

Moreover, claim 11 recites, “wherein the content-specific obfuscated software includes hashed portions of the digital content.” (Emphasis added.) The underlined portion of the claim language here has not been addressed by the Office, and nothing in Kohno suggest the use of content-specific obfuscated software that includes hashed portions of the digital content, as claimed. Thus, claim 11 should be allowable for at least this additional reason.

Claim 25 recites, “wherein defining an interface comprises establishing a public interface for a procedure in a class.” (Emphasis added.) The underlined portion of the claim language here has not been addressed by the Office. Thus, claim 25 should be allowable for at least this additional reason.

Claim 26 recites, “wherein the interface comprise a dynamic interface in which a portion of the interface is definable by the identified decoder core.” (Emphasis added.) The underlined



portion of the claim language here has not been addressed by the Office. Thus, claim 26 should be allowable for at least this additional reason.

Claim 28 recites, "wherein the interface comprises input and output format information for a decryption procedure to be defined by the mutable decoder core." (Emphasis added.) The underlined portion of the claim language here has not been addressed by the Office. Thus, claim 28 should be allowable for at least this additional reason.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Absent a formal notice of allowance, a telephone interview with the Examiner and the Examiner's supervisor is respectfully requested to discuss the independent claims and the cited art.

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Page : 18 of 18

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Respectfully submitted,

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